

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:**

**ENTRUST ENERGY, INC.,<sup>1</sup> ENTRUST  
ENERGY EAST, INC., and POWER OF  
TEXAS HOLDINGS, INC.,**

**Debtors**

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**[DEBTORS/PLAINTIFFS],**

**Plaintiffs,**

**v.**

**SHELL ENERGY NORTH AMERICA  
(US), L.P. and SHELL TRADING RISK  
MANAGEMENT, LLC**

**Defendants.**

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**CASE NO.: 21-31070**

**CHAPTER 11**

**Jointly Administered**

**ADV. PROC. NO.: \_\_\_\_\_**

**DEBTORS' MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL**

Contemporaneously with this Motion, Debtors Entrust Energy, Inc. (*fka* Retail OPCO of Texas, Inc.) ("Entrust"), Entrust Energy East, Inc. (*fka* North Eastern States, Inc.), ("Entrust East") and Power of Texas Holdings, Inc. ("Power of Texas") (collectively, the "Debtors"), filed their Complaint. The Complaint contains sensitive, confidential, and/or proprietary commercial information and excerpts confidential contractual language from Entrust's agreements with Defendant Shell Energy North America (US), L.P.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are: Entrust Energy, Inc. (2194); Entrust Treasury Management Services, Inc. (2347); Entrust Energy East, Inc. (3446); Power of Texas Holdings, Inc. (8159); Knocked, Corp. (0195); Akyta Holdings, Inc. (7696); Enserve, Inc. (9111); Akyta, Inc. (7560); Energistics, Inc. (3460); SPH Investments, Inc. (0271); Akyta IP, Inc. (8798); Surge Direct Sales, Inc. (7225); Entrust Energy Operations, Inc. (7479); Strategic Power Holdings, LLC (7069); NGAE, Inc. (1888). The Debtors' mailing address is Entrust Energy, Inc., 1301 McKinney Street, Suite 2950, Houston, TX 77010.

Section 107(b)(1) of the Bankruptcy Code provides that at the “request of a party in interest, the bankruptcy court shall . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information.” 11 U.S.C.A. § 107 (West). “A party seeking to seal confidential commercial documents pursuant to section 107 need not show ‘good cause’ for the request. *In re Faucett*, 438 B.R. 564, 568 (Bankr. W.D. Tex. 2010) (citing *In re Orion Pictures Corp.*, 21 F.3d 24, 28 (2d Cir. 1994)). Bankruptcy Rule 9018 also provides that “[o]n motion . . . the court may make any order which justice requires to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information.” FED. R. BANKR. P. 9018(1). This Court’s Local Rules further provide that a “document may initially be filed under seal if the filing party simultaneously files a motion requesting that the document be maintained under seal.” L.R. 9037-1. Commercial information includes information that would “cause an unfair advantage to competitors by providing them information as to the commercial operations of the debtor.” *In re Faucett*, 438 B.R. at 568 (internal citations omitted).

The Complaint references Entrust’s contractual language and other confidential proprietary information pertaining to its commercial arrangement with the Defendants. The structure, terms, and conditions of Entrusts’ agreements with its electricity providers constitute confidential commercial information. *See Orion Pictures*, 21 F.3d at 28. Entrust has a legitimate interest in protecting this private information from public disclosure.

A version of the Complaint redacting all confidential information has been filed simultaneously in the public record. In accordance with Section 107(b)(1) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9037-1, Debtors seek leave to file their Complaint in this matter under seal.

Respectfully Submitted,

BAKER & HOSTETLER LLP

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ATTORNEYS FOR  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon all counsel of record via electronic service pursuant to the Texas Rules of Civil Procedure on this 11th day of October 2021.

/s/ Sashe Dimitroff

Sashe Dimitroff